

FISCAL NOTE

HB 4053 - SB 4075

March 6, 2008

SUMMARY OF BILL: Establishes tort actions against long-term care facilities involving health-related services are brought solely as medical malpractice action; authorizes the use of arbitration agreements by and on behalf of the patient; and establishes maximum judgment amounts in tort action for non-economic damages.

ESTIMATED FISCAL IMPACT:

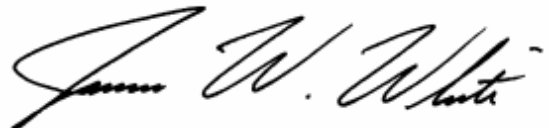
Increase State Expenditures – Not Significant

Assumptions:

- Any reduction in the rates of medical malpractice insurance for long-term care facilities would be filed with the Department of Commerce and Insurance resulting in a not significant increase in expenditures. Any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Any decrease in rates of medical malpractice insurance for long-term care facilities is estimated to be not significant as it relates to the cost of care provided by the TennCare program.
- TennCare third party liability recoveries are limited to amounts specified as reimbursement for medical expenses. Limitation of non-economic recovery will not affect TennCare's ability to recover costs.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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